

**IN THE
UNITED STATES
PATENT AND TRADEMARK OFFICE**

IN RE

APPLICATION OF: Diamond, et al.

CASE: 57535.010021

SERIAL NO: 10/715,083

FILED ON: November 17, 2003

FOR: SERIALLY ACCESSIBLE CANDY
PIECES

**INFORMATION
DISCLOSURE STATEMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION OF:
Art Unit: 1761
Examiner: TBD

Dear Sir:

If any charges or fees must be paid in connection with the following communication, they may be paid out of our Deposit Account No. 50-2428.

In accordance with 37 C.F.R. §1.56 and C.F.R. §1.98, Applicant respectfully submits herewith an Information Disclosure Statement under 37 C.F.R. §1.97(b), and informs the United States Patent and Trademark Office of information which may be material to the examination of the above-identified patent application.

The following documents and things, which comprise the aforementioned information, are as follows:

<u>PATENT NO.</u>	<u>ISSUE DATE</u>	<u>PATENTEE</u>
Des 355,442	2/14/1995	Chuang
2,882,170	04/14/1959	Stewart
2,903,365	09/08/1959	O'Brian, et al
3,615,596	10/26/1971	Petti
3,809,287	5/7/1974	Muller-Scherak
4,415,092	11/15/1983	Boyer

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27778
44619
47422
48791
50686
54735
P55,486

<u>PATENT NO.</u>	<u>ISSUE DATE</u>	<u>PATENTEE</u>
5,345,652	9/13/1994	Chuang
5,531,318	7/2/1996	Coleman et al
5,951,184	9/14/1999	Sanchez
6,004,597	12/21/1999	Coleman et al
6,099,873	8/8/2000	Coleman et al
6,319,085 B1	11/20/2001	Coleman et al
6,328,157 B1	12/11/2001	Tolver
6,328,163 B1	12/11/2001	Coleman et al
6,383,536 B1	5/7/2002	Palmer, et al

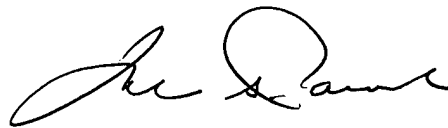
The possibly-relevant information of which Applicants are presently aware also comprise the following items:

- Reference #1: Lisa Frank Eraser Pops, refill erasers and packaging, without the handle/housing, sold or offered for sale in the United States at least as early as November 16, 2002;
- Reference #2: refill eraser made by Bensia in Thailand, marked with U.S. Pat. No. 5,345,652 and U.S. Design 355,442 (which are included in the above list), sold or offered for sale in the United States at least as early as November 16, 2002; and
- Reference #3: push-up replacement point coloring pen made by Bensai Creative Products in Taiwan, sold or offered for sale in the United States at least as early as November 16, 2002.

In accordance with the rules, copies of the foregoing references are attached for consideration by the Examiner.

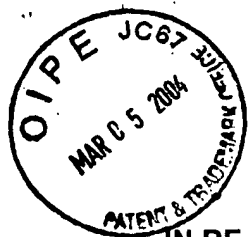
Should anything further be required, a telephone call to the undersigned, at (312) 456-8400, is respectfully invited.

Respectfully submitted,
GREENBERG TRAURIG, P.C.



John S. Pacocha

Dated: March 2, 2004



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CERTIFICATE OF MAILING

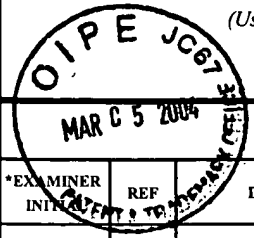
I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail on the date indicated below, pursuant to 37 C.F.R. §1.8, in an envelope postage prepaid and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Dated: March 2, 2004

John S. Pacocha

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)



Docket Number (Optional)

57535.010021

Application Number

10/715,083

Applicant(s)

Diamond, et al

Filing Date

November 17, 2003

Group Art Unit

1761

U.S. PATENT DOCUMENTS

*EXAMINER INITIALS	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		DES 355,442	02/14/95	Chuang	D19	53	01/14/94
		2,882,170	04/14/59	Stewart	99	180	06/17/57
		2,903,365	09/08/59	O'Brian, et al	99	138	01/22/57
		3,615,596	10/26/71	Petti	99	138	12/04/69
		3,809,287	05/07/74	Muller-Scherak	221	66	09/06/72
		4,415,092	11/15/83	Boyer	211	60 R	06/01/81
		5,345,652	09/13/94	Chuang	15	425	01/14/94
		5,531,318	07/02/96	Coleman, et al	206	738	03/23/95
		5,951,184	09/14/99	Sanchez	401	52	05/13/97
		6,004,597	12/21/99	Coleman, et al	426	112	11/10/97
		6,099,873	08/08/00	Coleman, et al	426	90	05/07/99

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

1	Lisa Frank Eraser Pops, refill erasers and packaging, without the handle/housing, sold or offered for sale in the United States at least as early as November 16 2002;
2	Refill eraser made by Bensia in Thailand, marked with U.S. Pat. No. 5,345,652 and U.S. Design 355,442 (which are included in the above list), sold or offered for sale in the United States at least as early as November 16, 2002; and

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>	ATTY DOCKET NO. 57535.010021	SERIAL NO. 10/715,083
	FILING November 17, 2003	GROUP 1761

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	6,319,085 B1	11/20/01	Coleman, et al	446	71	02/14/00
	6,328,157 B1	12/11/01	Tolver	206	216	09/13/00
	6,328,163 B1	12/11/01	Coleman, et al	206	457	2/14/00
	6,383,536 B1	05/07/02	Palmer, et al	426	104	08/19/99

FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
					YES	NO

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

		3	Push-up replacement point coloring pen made by Bensai Creative Products in Taiwan, sold or offered for sale in the United States at least as early as ovember 16, 2002.

EXAMINER	DATE CONSIDERED
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.